STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JAMIYKAL McDUEL, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

BRYAN LEE COLEMAN,

Respondent-Appellant,

and

STEPHANIE MONIQUE McDUEL and EMMANUEL SORIANO,

Respondents.

UNPUBLISHED
October 30, 2007

No. 277364
Kent Circuit Court
Family Division
LC No. 06-050182-NA

Before: Zahra, P.J., and White and O'Connell, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court's order terminating his parental rights to his minor child, pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not err in finding clear and convincing evidence established to support termination of respondent-appellant's parental rights pursuant to § § (3)(c)(i), (g) and (j). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). At the time Jamiykal came into care, respondent-appellant did not have adequate housing, he was unemployed, and he was on parole. During the 14 months the minor child was in care, respondent-appellant made no effort to comply with the treatment plan. He went to one parenting class and then completely abandoned the program. He was requested to do nine urine screens but completed none. He did not submit to the psychological or substance abuse evaluations. Although there was a period where he claimed to have employment, respondent-appellant never provided the requested verification. Six months after Jamiykal came into care, respondent-appellant was arrested and jailed on two criminal offenses. At the time of the termination hearing, respondent-appellant was still incarcerated and had a cocaine possession charge pending. Considering this drug-related offense in conjunction with his refusal to participate in services, it is clear that respondent had not adequately addressed his substance abuse issues. Finally, respondent-appellant did not have

employment or suitable housing. At the time of the termination hearing, respondent-appellant was not in a position to care for his son.

Further, there was no evidence that conditions would be rectified within a reasonable time. No evidence of respondent-appellant's release date was offered at the termination hearing, although counsel represented it was relatively soon. Even assuming that respondent-appellant was going to be released imminently, there was nothing to support a finding that he would be in a position to parent his child within a reasonable time. All indicators suggested that respondent-appellant was not motivated to change. For the six months that he was not incarcerated, he made no effort. He then committed additional crimes, not only while he was already on parole for earlier offenses but also while he was being strictly scrutinized by the system to ascertain his suitability to care for his son. He did not make any real effort, other than one letter, to maintain contact with his son and petitioner. Based upon the foregoing, the trial court did not clearly err when it found that there was clear and convincing evidence to support termination pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).

Respondent-appellant also contends that the statutory grounds for termination were not established because petitioner failed to make reasonable efforts to assist him toward reunification. We disagree. Generally, when a child is removed from a parent's custody, petitioner is required to make reasonable efforts to rectify the conditions that caused the child's removal by adopting a service plan. MCL 712A.18(f)(1), (2), and (4). Respondent-appellant specifically notes the trial court's admonishment of the foster mother for missing parenting time and argues that this illustrates his position. We note that the foster mother's transportation issue was addressed promptly by the court and petitioner, that petitioner provided make-up visits but respondent-appellant was incarcerated at the time, and, in any event, respondent-appellant was not held responsible for visits that were missed due to no fault of his own. Under these circumstances, this one temporary lapse in services was not so egregious as to erase the efforts made on respondent-appellant's behalf. For approximately six months before his incarceration, respondent-appellant was provided multiple services in an effort toward reunification. Respondent-appellant failed to participate and/or complete any of the services provided. While respondent-appellant was jailed, he sent one letter to his caseworker expressing his desire to plan for his child, and a caseworker met with him at the jail to explain the terms of the parent-agency agreement. Respondent-appellant made no further attempts to contact the caseworker. Based upon this record, it cannot be said that petitioner failed to make reasonable efforts to assist respondent-appellant toward reunification.

Affirmed.

/s/ Brian K. Zahra
/s/ Helene N. White
/s/ Peter D. O'Connell